

ORDINANCE NO. 2025-27 _____
OF THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, INDIANA

AN ORDINANCE APPROVING A LETTER AGREEMENT BETWEEN THE TOWN OF ZIONSVILLE, INDIANA AND CITIZENS WASTEWATER OF WESTFIELD, LLC AND GRANTING CITIZENS WASTEWATER OF WESTFIELD, LLC AN INDETERMINATE PERMIT FOR THE PROVISION OF WASTEWATER UTILITY SERVICE IN THE TOWN OF ZIONSVILLE, INDIANA

WHEREAS, by Order dated November 4, 2009, as subsequently amended by Supplemental Order on May 21, 2014, the Indiana Utility Regulatory Commission (the “Commission”) granted Hamilton Southeastern Utilities, Inc. (“HSE”) a certificate of territorial authority (“CTA”) to provide wastewater utility service to an area of Boone County, Indiana intersected by U.S. 421 and State Road 32 (the “CTA Area”; a site map depicting the CTA Area is attached hereto as Exhibit “A”); and

WHEREAS, the CTA Area is located within the corporate boundaries of the Town of Zionsville, Indiana (the “Town”); and

WHEREAS, HSE entered into a Transfer Agreement (“Transfer Agreement”) with Citizens Wastewater of Westfield, LLC (“CWW”) by which CWW will acquire the CTA to provide wastewater utility service to the CTA Area; and

WHEREAS, under the terms of the Transfer Agreement, subject to and upon receiving the necessary Commission approvals, CWW agrees to perform all future obligations to provide sewage disposal service to all residential, commercial, and industrial customers currently located, or that might locate, in the CTA Area consistent with CWW’s Terms and Conditions for Wastewater Service and applicable Commission regulations; and

WHEREAS, CWW has already begun coordination with HSE for the extension of service to a new development in the CTA Area as well as master planning for the long-term service of the CTA Area; and

WHEREAS, to ensure CWW is able to recover the cost of its investment in the CTA Area and the significant new infrastructure to be constructed to provide initial service and over time by CWW therein, the Transfer Agreement is subject to, among other things, the Town (1) consenting to the transfer of the CTA, (2) agreeing to CWW’s exclusive provision of wastewater service in the CTA Area, and (3) agreeing to not seek to provide wastewater service in the CTA Area, nor authorize another provider to provide wastewater service in the CTA Area; and

WHEREAS, Ind. Code § 8-1-2-92 and ch. 36-9-2 authorize municipalities such as the Town to grant indeterminate licenses, permits, or franchises to public utilities operating in their corporate boundaries; and

WHEREAS, after due consideration, the Town has determined that CWW is the utility best situated to provide economical, efficient, and adequate wastewater utility service within the entire CTA Area; and

WHEREAS, the Town Council of the Town of Zionsville, Indiana (“Town Council”) and CWW, through their respective attorneys and representatives, negotiated a Letter Agreement, attached hereto as Exhibit “B” (the “Letter Agreement”), which constitutes a permit issued to CWW in accordance with Ind. Code § 8-1-2-92 and ch. 36-9-2 to provide wastewater utility service in the CTA Area and provides that: (1) the Town consents to the transfer of the CTA, (2) CWW shall be the exclusive provider of wastewater service in the CTA Area, and (3) the Town will not interfere with or seek to provide wastewater service in the CTA Area, condemn CWW’s wastewater infrastructure in the CTA Area, or authorize another provider to provide wastewater service in the CTA Area, unless the CTA is subsequently revoked by Order of the Commission pursuant to Ind. Code § 8-1-2-89(k); and

WHEREAS, to (1) promote economic development in the Town, (2) promote economical, efficient, and adequate wastewater utility service to the public, and (3) ensure any current or future developments in the CTA Area receive economical, efficient, and adequate wastewater utility service, all in a manner that is consistent with CWW’s Commission-approved Terms and Conditions for Wastewater Service and applicable Commission Regulations, the Town Council desires to formally approve the Letter Agreement and authorize its execution on behalf of the Town.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Zionsville, Indiana as follows:

Section 1. Approval of Letter Agreement. The Town Council hereby approves the execution and delivery of the Letter Agreement with CWW in substantially the form attached hereto as Exhibit “B” and in compliance with all applicable local, state, and federal laws and regulations and consents to the transfer of the CTA and CWW’s provision of wastewater service to the CTA Area on the terms set forth in the Letter Agreement.

Section 2. Mayoral Authority to Sign Letter Agreement. The Mayor is hereby authorized to execute the Letter Agreement in substantially the form attached hereto as Exhibit “B,” in the name and on behalf of the Town Council and the Town.

Section 3. Effective Date. This Ordinance shall be in full force and effect from and after the date of its adoption.

Town Council
Town of Zionsville, Boone County, Indiana
An Ordinance Approving a Letter Agreement Between the Town of Zionsville, Indiana and Citizens Wastewater of Westfield, LLC

Ordinance 2025-____

Introduced and filed on the ____ day of _____, 2025. A motion to consider was properly made and seconded and approved by a vote of ____ in favor and ____ opposed, pursuant to Ind. Code §§ 36-5-2-9.4 and 36-5-2-9.6.

A motion to consider on Second reading was properly made and seconded and approved by a vote of ____ in favor and ____ opposed, pursuant to Ind. Code §§ 36-5-2-9.4, 36-2-5-9.6, or 36-5-2-9.8 (*as applicable*).

DULY PASSED AND ADOPTED this ____ day of _____, 2025, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

**YEA
Signature**

**NAY
Signature**

Jason Plunkett, President		
Brad Burk, Vice President		
Evan Norris, Member		
Joseph Stein, Member		
Tim McElderry, Member		
Craig Melton, Member		
Sarah Esterline Sampson, Member		

Town Council
Town of Zionsville, Boone County, Indiana
An Ordinance Approving a Letter Agreement Between the Town of Zionsville, Indiana and Citizens Wastewater of Westfield, LLC

Ordinance 2025-_____

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville Mayor John Stehr on the _____ day of _____, 2025 at _____ a.m/p.m.

ATTEST: _____
Amelia Anne Lacy,
Municipal Relations Coordinator

MAYOR'S APPROVAL

John Stehr, Mayor

Date

MAYOR'S VETO

John Stehr, Mayor

Date

EXHIBIT “A”

Map of CTA Area

